

No. 24-2208

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

APPLE INC.,
Appellant,

v.

ZENTIAN LTD.,
Appellee.

Appeal from the U.S. Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2023-00037

**APPLE INC.'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE THE OPENING BRIEF**

Appellant Apple Inc. moves under Federal Circuit Rule 26(b) for a 62-day extension of time in which to file its opening brief, to and including Thursday, January 23, 2025. Apple's opening brief currently is due Friday, November 22, 2024. This is the first request for an extension of time to file the opening brief. Appellee Zentian Ltd. has stated that it does not oppose the requested extension and will not file a response.

Good cause exists for the requested extension. The Court has designated this appeal as a companion case to be assigned to the same merits panel as *Zentian Ltd. v. Apple Inc.*, No. 24-2204. In that appeal, Zentian has requested an unopposed 62-day extension of time to January 23, 2025, to file its opening appeal brief. An

extension here thus will keep these appeals aligned on the same briefing schedule consistent with their designation as companions for oral argument.

In addition, counsel for Apple had and have several other matters pending in this and other courts. Counsel recently filed a response/reply brief on September 26 in *Apple Inc. v. MemoryWeb, LLC*, Nos. 23-2361, 24-1043, 24-1050, 24-1318, 24-1320 (Fed. Cir.); a response brief on September 27 in *Leadersel Innotech ESG v. ON24, Inc.*, No. 24-2204 (9th Cir.); and a response brief on October 25 in *Wakefield v. Kaltura, Inc.*, Nos. 24-2030, 24-2033 (Fed. Cir.). Counsel also presented oral argument on October 7 in *Cellspin Soft, Inc. v. Fitbit LLC*, No. 22-2025 (Fed. Cir.) and in *Cellspin Soft, Inc. v. Fitbit LLC*, No. 23-1526 (Fed. Cir.).

Counsel also currently have an oral argument on November 6 in *GeoComply Solutions Inc. v. XPoint Services LLC*, No. 23-1578 (Fed. Cir.); a response to a rehearing petition due November 20 in *C.R. Bard, Inc. v. Atrium Medical Corp.*, No. 23-16020 (9th Cir.); a reply brief due November 26 in *Suarez v. Sullivan*, No. 24-872 (2d Cir.); an oral argument on December 2 in *Rutter v. Apple*, No. 24-715 (9th Cir.); a petition for certiorari due December 10 in *Celanese International Corp. v. ITC*, No. 24A388 (U.S.); an opening/response brief expected to be due December 11 in *DivX, LLC v. Harman International Industries*, No. 2024-05053 (N.Y. App. Div. First Dept.); a response brief due December 18 in *Nike, Inc. v. lululemon athletica Canada Inc.*, No. 24-2074 (Fed. Cir.); and a response brief due

January 20, 2025, in *Nike, Inc., v. lululemon athletica Canada Inc.*, No. 24-2134 (Fed. Cir.).

For these reasons, Apple respectfully requests that the Court grant an extension of time, to and including Thursday, January 23, 2025, in which to file the opening brief. In the alternative, if the Court grants Zentian less than its full 62-day request in the companion appeal, the Court should grant Apple a 60-day extension for the reasons explained.

Dated: November 5, 2024

ALEXANDRA M. AVVOCATO
MORRISON & FOERSTER LLP
250 West 55th Street
New York, NY 10019

REBECCA E. WEIRES
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, CA 90017

Respectfully submitted,

/s/ Brian R. Matsui

BRIAN R. MATSUI
SETH W. LLOYD
NOAH PRILUCK
MORRISON & FOERSTER LLP
2100 L Street NW, Suite 900
Washington, DC 20037
Tel.: (202) 887-8784
BMatsui@mofo.com

Counsel for Apple Inc.

CERTIFICATE OF INTEREST

Counsel for Apple Inc. certify under Federal Circuit Rule 47.4 that the following information is accurate and complete to the best of their knowledge:

1. **Represented Entities.** Provide the full names of all entities represented by undersigned counsel in this case.

Apple Inc.

2. **Real Parties in Interest.** Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.

None.

3. **Parent Corporations and Stockholders.** Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.

None.

4. **Legal Representatives.** List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court.

ERISE IP, P.A.: Jennifer Bailey, Adam Seitz, Adam Sandwell

5. **Related Cases.** Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes, see separately filed notice.

6. **Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees).

Not applicable.

Dated: November 5, 2024

/s/ Brian R. Matsui

Brian R. Matsui

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**DECLARATION OF BRIAN R. MATSUI IN SUPPORT OF
APPLE INC.'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE THE OPENING BRIEF**

I, Brian R. Matsui, hereby declare under penalty of perjury under 28 U.S.C.
§ 1746:

1. I am an attorney duly licensed to practice law in the District of Columbia and the state of California, and I am admitted to practice before this Court. I am a partner with the law firm of Morrison & Foerster LLP, and counsel of record for appellant Apple Inc. in this appeal. I make this declaration in support of Apple's unopposed motion for a 62-day extension of time in which to file the opening brief, from Friday, November 22, 2024, to Thursday, January 23, 2025.
2. All of the facts set out in the motion are, to the best of my knowledge, true and correct, and are based on my personal knowledge.

Executed on this 5th day of November, 2024.

/s/ Brian R. Matsui

Brian R. Matsui

CERTIFICATE OF COMPLIANCE

The foregoing filing complies with the relevant type-volume limitations of the Federal Rules of Appellate Procedure and Federal Circuit rules because it has been prepared using a proportionally spaced typeface and includes 462 words, excluding the parts exempted by the Rules.

Dated: November 5, 2024

/s/ Brian R. Matsui

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